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ROBERT H. SHERWELL, CLERK
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

ROY BURTON

: DOCKET NO. 2:04-cv-2231-LC

VS.

: JUDGE MINALDI

O. KENT ANDREWS, WARDEN

: MAGISTRATE JUDGE WILSON

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, noting the lack of objections thereto, and after an independent review of the record, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that plaintiff's claims seeking *habeas corpus* relief be **DISMISSED WITHOUT PREJUDICE** because plaintiff's claims remain unexhausted as required by the provisions of 28 U.S.C. § 2254(b)(1).

IT IS FURTHER ORDERED that plaintiff's civil rights claims be **DISMISSED WITH PREJUDICE** for failing to state a claim upon which relief can be granted.

THUS DONE AND SIGNED, in Chambers, in Lake Charles, Louisiana, on this 27
day of July, 2005.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE